



The Froebelian School **Subject Access Request Policy**

The provisions in this document apply to all aspects of the school including the EYFS, Breakfast Club, Froeebes, Homework and Activities Club, Holiday Clubs, school trips and extra-curricular activities.

This policy should be read in conjunction with the following policies and legislation:

- Data Protection Policy
- Personal Data Breach Notification Policy
- Data Retention Policy
- Privacy Policy
- General Data Protection Regulation 2018
- Freedom of Information Act 2000

INTRODUCTION/OVERVIEW

1. The GDPR extends to all data subjects a right of access to their own personal data. This is known as a subject access request. A formal request from a data subject for information that a school holds about them must be made in writing. Schools can invite a data subject to complete a form but we cannot insist that they do so. A subject access request can be made by anyone including pupils, parents, staff, governors and members of the public.
2. It is important that all members of staff are able to recognise that any written request made by a person for their own information is likely to be a valid subject access request, even if the individual does not specifically use this phrase in their request or refer to the GDPR. In some cases, an individual may mistakenly refer to the “Freedom of Information Act” but this should not prevent school from identifying the request as being made under the GDPR if appropriate. Some requests may be a combination of a subject access request for personal data under the GDPR and a request for information under the Freedom of Information Act 2000 (“FOIA”). Requests for information under the FOIA must be dealt with promptly and in any event within 20 school days.
3. Any member of staff who receives a written request for their personal data must immediately forward it to the Privacy Officer as the statutory time limit for responding under the GDPR is one calendar month from receipt. Under the Data Protection Act 1998, Data Controllers previously had 40 calendar days to respond to a request. The timescales for responding do not pause when the school is closed for holidays, unlike the FOIA.
4. The Statutory time limit for response can be extended if the request made is complex or number of requests are received from the individual. E.g. an individual has made a SAR, a

request for erasure and a request for data portability simultaneously. Guidance on whether a request can be classed as complex has been issued by the Information Commissioner's Office (ICO).

The extension is calculated as three months from the original date the request is received. The individual making the request must be advised (including the reason for the extension) within one month of receiving their request.

5. If there is a large amount of information about an individual, clarification can be sought, asking them to specify the information or processing activities their request relates to before responding to the request. The time limit for responding to the request is paused until you receive clarification. This is referred to as 'stopping the clock'.
6. A fee may no longer be charged to the individual for provision of this information (previously a fee of £10 could be charged under the Data Protection Act 1998). School must provide a copy of the information free of charge. However, school can charge a 'reasonable fee' when a request is "manifestly unfounded or excessive", particularly if it is repetitive. The school will consult any guidance issued by the Information Commissioner's Office (ICO) on what is deemed to be "manifestly unfounded or excessive" before relying on this exemption, particularly as it is likely to be a high threshold to satisfy.

School may also charge a reasonable fee to comply with requests for further copies of the same information. This does not mean that school can charge for all subsequent access requests.

The fee must be based on the administrative cost of providing the information.

7. The Froebelian School may ask the Data Subject for reasonable identification so that they can satisfy themselves about the person's identity before disclosing the information. The timescale for response does not begin until the requested ID has been received.
8. In order to ensure that people receive only information about themselves, it is essential that a formal system of requests is in place. Certain information may be exempt from disclosure so school will need to consider what exemptions apply and decide whether we can rely on them. In practice, this means that school may be entitled to withhold some documents entirely or we may need to redact parts of them. Care will be taken to ensure that documents are redacted properly.
9. A parent would normally be expected to make a request on a child's behalf where the child is younger than 13 years of age (subject to any court orders which may be in place).
10. Subject access requests from parents in respect of their own child where a child does not have sufficient maturity to understand their rights should be processed as requests made on behalf of the data subject (the child), subject to any court orders which may be in place.
11. As the Education (Pupil Information) (England) Regulations 2005 do not apply to independent schools, requests for educational records from parents of children who attend independent schools must be dealt with under the DPA 2018 (as outlined above). This is without prejudice

to the obligation in the Education (Independent School Standards) (England) Regulations 2014 to provide an annual report of each registered pupil's progress and attainment in the main subject areas taught to every parent (unless they agree otherwise in writing).

12. Following receipt of a subject access request, and provided that there is sufficient information to process the request, an entry will be made in the subject access log book, showing the date of receipt, the data subject's name, the name and address of requester (if different), the type of data required (e.g. Pupil Record, Personnel Record), and the planned date for supplying the information (not more than one calendar month from the request date). Should more information be required to establish either the identity of the data subject (or agent) or the type of data requested, the date of entry in the log will be date on which sufficient information has been provided.
13. In the context of a school, a subject access request is normally wrapped up in a broader complaint or concern from a parent or may be connected to a disciplinary or grievance for an employee. The school will therefore ensure that the broader context is taken into account when responding to a request and seek advice if required on managing the broader issue and the response to the request.

This overview is not intended to be an exhaustive statement of the law and should not be relied on as legal advice to be applied to any particular set of circumstances. Instead, it is intended to act as a brief introductory view of some of the legal considerations relevant to the subject in question.

CHECKLIST FOR SUBJECT ACCESS REQUESTS

Following receipt of a subject access request ('SAR'), the school will use the following checklist as a guide:

A. Subject Access Requests Checklist	
Inform data subjects of their right to access data in your privacy notice and provide an easily accessible mechanism through which such a request can be submitted (e.g. a dedicated email address). School cannot insist that people use this method or refuse to respond if they send a request using a different method. Consider any steps school can take to mitigate any risk to the school if the timescales for responding to a subject access request includes the school holidays.	
Make sure a SAR policy is in place and that internal procedures on handling of SARs are accurate and complied with. Include, among other elements, provisions on; <ol style="list-style-type: none"> a. Responsibilities (who, what) b. Timing c. Changes to data d. Handling requests for rectification, erasure or restriction of processing. 	
Ensure personal data is easily accessible at all times in order to ensure a timely response to SARs and that personal data on specific data subjects can be easily filtered. Ensure staff are trained to extract reports from pupil information management systems following receipt of a SAR.	

B. Steps to take following receipt of a SAR	
Verify whether you are controller of the data subject's personal data. If you are not a controller, but merely a processor, inform the data subject and refer them to the actual controller.	
Verify the identity of the data subject; if needed, request any further evidence on the identity of the data subject.	
Evidence of the identity of the person making the request and their relationship to the pupil must be gained prior to any disclosure of information. If the request is from a parent for their child's data, establish whether there are any court orders in place.	
Verify the access request; is it sufficiently substantiated? Is it clear to the data controller what information is requested? If not, request additional information.	
Ensure data will not be changed as a result of the SAR. Routine changes as part of the processing activities concerned are permitted.	
Verify whether the data requested also involves data on other data subjects and check if this data needs to be redacted before the requested data is supplied to the data subject if the other data subjects have not consented to the supply of their data as part of the SAR. Consider whether any other exemptions apply to the data and have particular regard to whether any safeguarding concerns could arise if the information is disclosed. Seek further advice if you are in any doubt.	
C. Responding to a SAR	
Make sure to respond to a SAR within one calendar month after receipt of the request: a. If more time is needed to respond to complex requests, an extension of another two months is permissible, provided this is communicated to the data subject in a timely manner within the first month; b. If school does not take action on the request of the data subject, inform the data subject on this decision without delay and at the latest within one month of receipt of the request.	
If a SAR is submitted in electronic form, any information should preferably be provided by electronic means as well.	
If data on the data subject is processed, make sure to include as a minimum the following information in the SAR response: a. the purposes of the processing; b. the categories of personal data concerned; c. the recipients or categories of recipients to whom personal data has been or will be disclosed, in particular in third countries or international organisations, including any appropriate safeguards for transfer of data, such as Binding Corporate Rules or EC model clauses; d. where possible, the envisaged period for which personal data will be stored, or, if not possible, the criteria used to determine that period; e. the existence of the right to request rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing; f. the right to lodge a complaint with a supervisory authority (i.e. the ICO); g. if the data has not been collected from the data subject: the source of such data;	

h. the existence of any automated decision-making, including profiling and any meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.	
Provide a copy of the personal data undergoing processing (subject to any exemptions which entitle you to withhold personal data). This should be provided in a commonly used electronic form if the data subject has submitted the SAR electronically.	

GUIDANCE FOR STAFF ON RESPONDING TO A SUBJECT ACCESS REQUEST

What must I do?

1. On receipt of a subject access request you must forward it immediately to the Privacy Officer (Tineke Roth, Finance & Operations Manager).
2. School must correctly identify whether a request has been made/ensure that it is not being confused with the rights that people have to request information under the Freedom of Information Act 2000.
3. Any employee who receives a request to locate and supply information relating to a SAR must make a full exhaustive search of the records to which they have access.
4. All the information that has been requested must be provided unless an exemption can be applied.
5. School must respond within one calendar month after accepting the request as valid.
6. Subject Access Requests must be undertaken free of charge to the requestor.
7. Line managers must ensure that the staff they manage are aware of and follow this guidance.
8. Where a requestor is not satisfied with a response to a SAR, the School will manage this in accordance with our Complaints Policy.

How must I do it?

1. We must ensure a request has been received in writing where a data subject is asking for sufficiently well-defined personal data held by the School relating to themselves.
2. The Act permits and encourages us to clarify with the requestor what information they need. They must supply their address and valid evidence to prove their identity. The School accepts the following forms of identification (*These documents must be dated in the past 12 months, +These documents must be dated in the past 3 months):
 - Current UK/EEA Passport
 - UK Photocard Driving Licence (Full or Provisional)
 - Firearms Licence/Shotgun Certificate
 - EEA National Identity Card

Version: 1.0

- Full UK Paper Driving Licence
 - State Benefits Entitlement Document*
 - State Pension Entitlement Document*
 - HMRC Tax Credit Document*
 - Local Authority Benefit Document*
 - State/Local Authority Educational Grant Document*
 - HMRC Tax Notification Document
 - Disabled Driver's Pass
 - Financial Statement issued by bank, building society or credit card company+
 - Judiciary Document such as a Notice of Hearing, Summons or Court Order
 - Utility bill for supply of gas, electric, water or telephone landline+
 - Most recent Mortgage Statement
 - Most recent Council Tax Bill/Demand or Statement
 - Current Council Rent Card
 - Current Council Tenancy Agreement
 - Building Society Passbook which shows a transaction in the last 3 months and your address
3. Depending on the degree to which information is organised and structured, you will need to search the following non-exhaustive areas: emails (including archived emails and those that have been deleted but are still recoverable), Word documents, spread-sheets, databases, systems, CCTV, removable media (for example, memory sticks, floppy disks, CDs), tape recordings, paper records in relevant filing systems etc. which your area is responsible for or owns.
 4. You must not withhold information because you believe it will be misunderstood; instead, you should provide an explanation with the information. You must provide the information in an "intelligible form", which includes giving an explanation of any codes, acronyms and complex terms. The information must be supplied in a permanent form except where the person agrees or where it is impossible or would involve undue effort. You may be able to agree with the requester that they will view the information on screen or inspect files on our premises. You must redact any exempt information from the released documents and explain why that information is being withheld.
 5. By ensuring that the Privacy Officer has logged the request, we can ensure that we respond within the statutory timescales.
 6. As the time for responding to a request does not stop during the periods when the school is closed for the holidays, we will attempt to mitigate any impact this may have on the rights of data subjects to request access to their data by implementing the following measures:
 - i. A dedicated email address for Subject Access Requests is in place and three members of staff (including the Privacy Officer and the Headteacher) have access to the email account.
 - ii. The Privacy Officer works during many of the school holidays.
 - iii. The Privacy Officer has access to school emails from home or when not in school.
 - iv. The Headteacher is also available during the school holidays.

Version: 1.0

- v. School can extend the statutory response period (1 month) where the SAR is 'complex', under article 12(3) of the General Data Protection Regulation (GDPR).

When assessing a request made over the summer holidays, School may consider it to be complex if finding the data will require more staff than is available, or if we would struggle to fulfil it having taken the proactive steps set out above.

7. When responding to a complaint, we must advise the requestor that they may complain to the ICO if they remain unhappy with the outcome.

RESPONDING TO A SUBJECT ACCESS REQUEST

All responses to a Subject Access Request **must** include the following information:

- a. the purposes of the processing;
- b. categories of personal data concerned;
- c. the recipients or categories of recipients to whom personal data has been or will be disclosed, in particular in third countries or international organisations, including any appropriate safeguards for transfer of data, such as Binding Corporate Rules or EC model clauses;
- d. where possible, the envisaged period for which personal data will be stored, or, if not possible, the criteria used to determine that period;
- e. the existence of the right to request rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;
- f. the right to lodge a complaint with a supervisory authority;
- g. if the data has not been collected from the data subject: the source of such data;
- h. the existence of any automated decision-making, including profiling and any meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.

Sample letters for responding to a Subject Access Request may be found in Appendix 1.

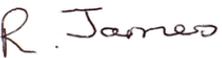
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This policy is reviewed regularly (or as changes to legislation dictate) by the Headteacher, in consultation with the Privacy Officer and governing body, in the light of experience, research and good practice.

Policy Date: November 2020

Policy Review Date: November 2023

Signed (Headteacher): 

Signed (Chair of Governors): 

Appendix One

SAMPLE LETTERS RESPONDING TO A SUBJECT ACCESS REQUEST

The letters below are samples and do not cover every eventuality to reflect local circumstances nor have they been drafted or tailored for school's specific needs so they should not be relied on as legal advice to be applied to any particular set of circumstances. School will ensure that they are tailored to reflect the context under which the subject access request has arisen and seek legal advice if required.

All letters must include the following information:

- a. the purposes of the processing;
- b. categories of personal data concerned;
- c. the recipients or categories of recipients to whom personal data has been or will be disclosed, in particular in third countries or international organisations, including any appropriate safeguards for transfer of data, such as Binding Corporate Rules or EC model clauses;
- d. where possible, the envisaged period for which personal data will be stored, or, if not possible, the criteria used to determine that period;
- e. the existence of the right to request rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;
- f. the right to lodge a complaint with a supervisory authority;
- g. if the data has not been collected from the data subject: the source of such data;
- h. the existence of any automated decision-making, including profiling and any meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.

A. Replying to a subject access request providing the requested information

[Name] [Address]

[Date]

Dear [Name of data subject]

RE: Data Protection Act 2018 Subject Access Request

Thank you for your letter of [date] making a data subject access request for [subject]. We are pleased to enclose the information you requested.

[Include 1(a) to (h) above.]

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Yours sincerely

B. Release of part of the information, when the remainder is covered by an exemption

[Name] [Address]

[Date]

Dear [Name of data subject]

Re: Data Protection Act 2018 Subject Access Request

Thank you for your letter of [date] making a data subject access request for [subject]. To answer your request we asked the following departments to search their records for information relating to you:

- [List the areas]

I am pleased to enclose [some/most] of the information you requested. [If any information has been removed] We have removed any obvious duplicate information that we noticed as we processed your request, as well as any information that is not about you. You will notice that [if there are gaps in the document] parts of the document(s) have been redacted. [OR if there are fewer documents enclose] I have not enclosed all of the information you requested. This is because [explain why it is exempt].

[Include 1(a) to (h) above.]

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Yours sincerely

C. Replying to a subject access request explaining why you cannot provide any of the requested information

[Name] [Address]

[Date]

Dear [Name of data subject]

Re: Data Protection Act 2018 Subject Access Request

Version: 1.0

Thank you for your letter of [date] making a data subject access request for [subject].

I regret that we cannot provide the information you requested. This is because [explanation where appropriate].

[Include 1(a) to (h) above if appropriate.]

Yours sincerely”

D. Replying to a subject access request explaining why you have only sent some of the requested references

[Name] [Address]

[Date]

Dear [Name of data subject]

Re: Data Protection Act 2018 Subject Access Request

Thank you for your letter of [date] making a data subject access request for the references we received in connection with your [job/course] application.

I enclose [whichever reference can be disclosed]. However, I have not provided [a copy/copies] of [one/some] of the references you requested because [one of your referees/ your referees] withheld consent to disclose [it/them].

[Include 1(a) to (h) above.]

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Yours sincerely